

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 16, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Karen A. Keys-Gamarra, Sully District

//

The meeting was called to order at 8:19 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

On behalf of the Planning Commission, Chairman Murphy expressed condolences towards Commissioner Keys-Gamarra, whose mother passed away on November 17, 2016.

//

On behalf of Commissioner Keys-Gamarra, Commissioner Hart announced that the public hearing for RZ 2016-SU-015, Old Lee Road, LLC, had been deferred and subsequently re-advertised for Thursday, December 8, 2016.

//

Commissioner de la Fe said that the applicant for SE 2016-HM-017 and 2232-H16-23, Milestone Tower Limited Partnership III, had requested additional time to evaluate alternative locations for the proposed telecommunications facility; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2016-HM-017 AND 2232-H16-23, MILESTONE TOWER LIMITED PARTNERSHIP III, TO AN IDEFINITE DATE.

Commissioner Hart seconded the motion, which carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.

In addition, Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING FOR SE 2016-HM-017 AND 2232-H16-23, MILESTONE TOWER LIMITED PARTNERSHIP III, UNTIL AFTER THE COMMISSION HAS RENDERED A RECOMMENDATION.

Commissioner Hart seconded the motion, which carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.

//

FS-P16-40 – VERIZON WIRELESS, 8250 Jones Branch Drive

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. I have two items. First is a “feature shown.” It is FS-P16-40 by Verizon Wireless at 8250 Jones Branch Drive. Mr. Chairman, I concur with staff’s conclusion that the proposal by Verizon Wireless to install new panel antenna telecommunications facility at 8250 Jones Branch Drive satisfies the criteria of location, character, and extent, as specified in *Virginia Code* Section 15.2-2232, as amended; therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION FS-P16-40 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to concur with the “feature shown” determination in FS-P16-40, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

PA 2016-II-F1 – COMPREHENSIVE PLAN AMENDMENT (KENA TEMPLE) (Providence District) (Decision Only) (The public hearing on this application was held on November 2, 2016.)

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. Secondly, I have the decision only on the Kena Temple Plan Amendment. We had a public hearing on this on November the 2nd. I think we

probably have a consensus that as we approach build-out, the parcels that are left – each have their own challenges. And this is going to be a challenging site to develop when we get to that point. We had a discussion regarding transportation primarily and after the public hearing, staff had reviewed it. We took another look at this and we decided to go with, essentially, what Commissioner de la Fe had suggested the night of the public hearing. And that language was included in the handout you should've gotten this week and a hard – another hardcopy tonight – referring to additional access points, which, I think – whether it's exactly what everybody wanted, it allows flexibility to consider multiple options at the time of rezoning – which, I think, is what everybody wants. I looked at Karen Drive. Supervisor Smith looked at Karen Drive. It's down in the RPA. It's in an area of archeological sites. It's in the portion of the site, also, that was planned to be conveyed to the Park Authority. So if and when we get there, I'm not sure Karen Drive is going to be the solution to anything, but this doesn't preclude that. It doesn't require it. It just – it leaves that issue open. There will be a rezoning, I think, coming before us before too long and we can evaluate those issues then. I want to thank, also, the folks that submitted written comments or came and spoke at the public hearing. I also want to thank Mike Van Atta for his considerable assistance on this, and also Mike Wing in Supervisor Smith's office. As staff indicated, the Amendment would modify the Plan language for Tax Map Parcel 48-4 ((1)) 42A to permit residential uses for the site with a density range of 0.5 to 1 dwelling unit per acre. The language distributed this evening with my motion dated November 16, 2016, includes changes to the staff recommendation that reflect additional input from the community. My proposed changes are noted in bold italics. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2016-II-F1, AS SHOWN ON TONIGHT'S HANDOUT DATED NOVEMBER 16, 2016.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2016-II-F1, with the amendments articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Hart: Thank you.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

PA 2016-III-FC1/PA 2013-III-FC1 (B) – COMPREHENSIVE PLAN AMENDMENTS
(FAIRFAX CENTER AREA, LAND UNITS O, SUB UNIT 01 AND FAIRFAX CENTER
AREA SUBURBAN CENTER STUDY, PHASE II) (Decisions Only)

(The public hearing on these items was held on November 9, 2016.)

(Start Verbatim Transcript)

Commissioner Murphy: Mr. Chairman, we had a public hearing recently on Plan Amendments 2013-III-FC1 (B) and 2016-III-FC1. These are all in the Fairfax Center Area and a part of the study that involved four districts – the Springfield District, the Providence District, the Sully District, and the Braddock District. First, I'd like to thank Kim Sorenson – Ken Sorenson, rather – Meghan Van Dam and Kimberly – Kim Rybold, the three staff members. Kim has departed Fairfax County and moved to other areas, but we want to thank those three staff members for the outstanding job they did. And also, I would like to thank personally Marlae Schnare from Supervisor Herrity's office, who always helps me very much so among my land use pursuits. So, Mr. Chairman, this is a joint motion and the other Commissioners in the other districts have agreed that I would make the motion so I will go on with it. But first, I'd like to enter into the record several documents. First is a letter that was sent by the staff to the property owners in the vicinity alerting them of – of what was going on in the Plan Amendments. Also, I would like to enter into the record the language that was posted on the site – on the sites – the various sites that – on the famous yellow sign – that alerted the citizens of the area of the Plan Amendments. Third, I would like to enter into the record a letter from Jeff Saxe, Chairman of the Springfield District Land Use Committee. This may already be in the record, but it's always good to do it twice for his input into the proposals. And, lastly, if we recall – and I'll mention this in the motion – we had testimony from NIAOP with some suggestions on page 61 regarding stormwater management and rather than reading it all, I have determined – and I'll say this in the motion – that we leave it as it is. And the staff has submitted a response to NIAOP's concerns, and it's a draft of the Fairfax Center Area stormwater text – staff response to concerns raised by NVBI – oh, it's NVBIA, I'm sorry, NIAOP – and I'd like to enter that document into the record.

Vice Chairman de la Fe: So ordered.

Commissioner Murphy: Mr. Chairman, Plan Amendments 2013-III-FC1 (B) and 2016-III-FC1 comprise the second phase of the Fairfax Center Area study, which considers the overall area-wide guidance of Fairfax Center and looks at a number of site-specific land-use changes in the Suburban Center portion of the area that do not trigger the state-level Chapter 870 transportation review. The study has been guided by a citizen-led, Joint Area-wide Working Group from each of the four districts affected by this study – Springfield, Braddock, Sully, and Providence. The group met monthly over a 16 – 16-month period. And, as I did when we had the public hearing, I'd like to thank from the Braddock District, Vince Picciano, who chaired the Working Groups – gave a lot of time and talent with all the members of this group to come up with what we're looking at tonight. The Working Group, in collaboration with staff, gathered input, discussed ideas, and developed a new vision and recommendations for the future of this area, proposed tonight as a new Plan guidance. This vision establishes Fairfax Center as a premier place to live, work, play, and shop with an emphasis on pedestrian and bicycle connectivity and, at its core, transit-oriented development surrounding a planned Metrorail station. The recommendations modernize the Fairfax Center Area guidance, last reviewed as a whole in the early 1980s, to

include updating the Implementation Strategy and revising policies pertaining to the environment, transportation, and parks and recreation recommendations, consistent with policies in other mixed-use centers. The proposed text also restructures the land unit system to underscore the importance of the expanded core area, adds a new Mixed-Use Specific Performance Criteria, and revises the Comprehensive Land Use Map Plan to better reflect the land use recommendations in the area plans. In order to gain community insight on this vision, an open nomination period was used to help identify sites where land-use and intensity changes were desired. Five of the sites are being addressed tonight in addition to the new area-wide guidance. Three of these sites, located in the Springfield District, include the Centerpointe Church site on Legato Road near the Fair Oaks Mall, the Fair Oaks Church site at the intersection of West Ox Road and Post Forest Drive – excuse me – and the parcel at the northwest corner of Lee Highway and Legato Road. The fourth site, the Pender Professional Center, is in the Sully District off of Fair Ridge Drive, north of Route 50, and Planning Commissioner Keys – Ellen Keys-Gammara – Karen Keys-Gamarra, rather, concurs with what I’m about to do this evening. The final site is located in the Providence District along the east side of Waples Mill Road, generally across the intersection of Fairfax Ridge Road. And that was handled by Commissioner Hart, representing Commissioner Lawrence in the Providence District. Staff and Area-Wide Working Group reviewed the proposals and developed recommendations for these sites. The recommendations for the area-wide guidance and the land-use changes for the specific sites are presented as one recommendation for the Fairfax Center Area on pages 14 through 174 of the staff report dated October 26, 2016. There is general alignment between staff and the Working Group recommendations for the area-wide guidance and the specific sites. The difference between staff and the working group recommendations are noted in the text boxes within the report. I generally support the recommendations presented by staff and amended by the Working Group. The Springfield Land Use Committee has reviewed the staff and Working Group recommendations for three sites in the Springfield District and voted to support the Working Group recommendations for these sites on October 24th, 2016, with a slight modification for one of the sites – the Centerpointe Church sites – site in proposed Sub-Unit A3. For this site, the Land Use Committee voted to support the Working Group recommendation for the residential use option shown in a text box on Page 84 of the staff report, but to remove the word “multifamily” and add “encourage urban-style design” to the recommendation. I support this modification by the Springfield Land Use Committee. I might add, parenthetically, that we had testimony from Dave Bishop, who represented the neighboring residential use, who requested that the FAR be brought down from 1.25 to 1. And I’m going to go along with the recommendations of the Committee for 1.25. I want to explain that the Plan will read “up to a density of 1.25” and that gives the applicant more flexibility to address, I think, more thoroughly some of the concerns that were raised by the community. And it is not guaranteed, a density of 1.25, but up to 1.25 and these final points will be discussed when the rezoning is filed. I have two motions this evening. The first relates to the Plan Amendments and the second supports the review of a third phase of the study, thus, completing the vision plan established by the Working Group to move forward with the review of the core area nominations that triggered the additional state-level transportation review.

Commissioner Sargeant: Mr. Chairman? Before you read the motions, just a reminder that I had recused myself during this public hearing and will do so with this vote this evening.

Vice Chairman de la Fe: Okay.

Commissioner Murphy: Okay. Thank you. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATIONS FOR THE FAIRFAX CENTER AREA GUIDANCE, AS SHOWN ON PAGES 14 THROUGH 174 OF THE STAFF REPORT, AS MODIFIED BY THE WORKING GROUP SHOWN IN TEXT BOXES ON PAGES 61, 62, 103, AND 105 OF THE STAFFREPORT, AND FURTHER MODIFIED BY THE SPRINGFIELD LAND USE COMMITTEE FOR THE CENTERPOINTE CHURCH SITE IN THE PROPOSED SUB-UNIT A3. THE MINOR MODIFICATION FOR SUB-UNIT A3 IS PRESENTED ON PAGE 6 OF MY HANDOUT DATED NOVEMBER 9TH, 2016. THIS RECOMMENDATION TO THE BOARD WOULD SUPPORT THE OVERALL VISION, POLICY GUIDANCE, AND RECOMMENDATION FOR THE FAIRFAX CENTER AREA DEVELOPED BY THE WORKING GROUP AND GENERALLY SUPPORTED BY STAFF. THE RECOMMENDATION WOULD ALSO SUPPORT FOUR SITE-SPECIFIC LAND USE AND INTENSITY CHANGES IN THE FAIRFAX CENTER AREA, TO INCLUDE:

- ONE, ADDING AN OPTION FOR RESIDENTIAL USE UP TO A POINT – OR 1.25 FAR ON THE CENTERPOINTE CHURCH SITE IN PROPOSED SUB-UNIT A3 AND SHOWN ON PAGE 84 OF THE STAFF REPORT;
- TWO, ADDING AN OPTION FOR RESIDENTIAL USE AT 8 TO 12 DWELLING UNITS PER ACRE ON THE PENDER PROFESSIONAL SITE IN PROPOSED SUB-UNIT C1 AND SHOWN ON PAGE 92 OF THE STAFF REPORT;
- THREE, MODIFYING THE OVERLAY LEVEL RECOMMENDATION FOR RESIDENTIAL USE AT 10 DWELLING UNITS AND ADDING AN OPTION FOR RESIDENTIAL USE UP TO 12 DWELLING UNITS PER ACRE AS AN ASSISTED LIVING AND INDEPENDENT LIVING FACILITY – FACILITIES ON THE SITE AT THE NORTHWEST CORNER OF LEE HIGHWAY AND LEGATO ROAD IN PROPOSED LAND UNIT A3, AS SHOWN ON PAGES 103 AND 105 OF THE STAFF REPORT; AND
- FOUR, ADDING AN OPTION FOR RESIDENTIAL USE UP TO 8 DWELLING UNITS PER ACRE FOR THE FAIR OAKS CHURCH SITE ALONG WEST OX ROAD IN PROPOSED SUB-UNIT H2 AND SHOWN AT THE TOP OF PAGE 106 OF THE STAFF REPORT.

THE WORKING GROUP DID NOT MAKE A SITE-SPECIFIC RECOMMENDATION FOR THE FIFTH SITE ALONG WAPLES MILL ROAD. HOWEVER, GENERAL RECOMMENDATIONS FOR MUSEUMS AND/OR CULTURAL CENTERS AS AN ALTERNATIVE IN AREAS PLANNED FOR OFFICE USE CAN BE FOUND IN THE PROPOSED AREA-WIDE GUIDANCE ON PAGE 33 OF THE STAFF REPORT, AND I SO MOVE.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Second, Mr. Chairman, the evaluation of several land use and intensity changes in the revised core area was not completed due to the need for the additional state-level VDOT Chapter 870 transportation analysis. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT A THIRD PHASE OF THE FAIRFAX CENTER AREA STUDY, INCLUDING THE TRANSPORTATION ANALYSIS, BE COMPLETED EXPEDITIOUSLY IN ORDER TO FULLY REALIZE THE CORE AREA VISION ESTABLISHED BY THE WORKING GROUP IN THIS SECOND PHASE. AND I SO MOVE.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Is that it?

Commissioner Murphy: Thank you very much.

(Each motion carried by a vote of 8-0. Commissioner Sargeant recused himself from the vote. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SEA 94-H-009 – MACS RETAIL, LLC
2. SEA 93-Y-059-02 – MACS RETAIL, LLC
3. SEA 92-Y-016 – MACS RETAIL, LLC
4. SEA 92-Y-030-02 – CRS OIL, INC. T/A CENTREVILLE SHELL
5. SEA 82-L-062-02 – 6620 BACKLICK ROAD, LLC
6. ZONING ORDINANCE AMENDMENT – ARTICLES 3, 9, 18 AND 20 REGARDING FARM WINERIES, LIMITED BREWERIES, AND LIMITED DISTILLERIES (Countywide)

This order was accepted without objection.

//

SEA 94-H-009 – MACS RETAIL, LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 94-H-009 previously approved for a service station with quick-service food store to permit modification of development conditions. Located at 11515 and 11519 Leesburg Pk., Herndon, 20170, on approx. 40,472 sq. ft. of land zoned C-8. Tax Map 011-2 ((1)) 13A and 13B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated September 23, 2016.

There were no disclosures by Commission members.

Commissioner de la Fe asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This is relatively simple. We have done this in other places and it essentially is to remove a development condition, which was quite standards in the 70, 80, and 90s, but it is no longer necessary for gas stations to, in effect, be able to serve, you know, hot dogs and, you know, hot prepared food, as well as beer and wine. Back then the – so what we're doing here tonight is to, in effect, remove that development condition, which limited those uses and that's it. Therefore, Mr. Chairman, I move that the – well, I request that the applicant confirm, for the record, your agreement to the proposed development conditions dated November 1st, 2016.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: Yes, we do confirm.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-H-009, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 1ST, 2016, AND APPROVE A MODIFICATION OF TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY BOUNDARY TO THAT SHOW ON THE SE PLAT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion, as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

SEA 93-Y-059-02 – MACS RETAIL, LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 93-Y-059 previously approved for a service station, quick-service food store and car wash to permit modification of development conditions. Located at 13825 and 13829 Lee Hwy., Centreville, 20121, on approx. 42,470 sq. ft. of land zoned C-8, HC, SC and WS. Tax Map 54-4 ((1)) 103A and 104. SULLY DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated September 23, 2016.

There were no disclosures by Commission members.

In the absence of Commissioner Keys-Gamarra, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, waive both and close the public hearing. Recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Mr. Prakash, could you please confirm, for the record, that you have read and that you understand and agree with the development conditions dated November 2nd, 2016?

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: We concur with the report and recommendations.

Commissioner Hart: And the development conditions?

Mr. Prakash: And the development conditions.

Commissioner Hart: Thank you. Mr. Chairman, this is another straightforward updating of development conditions for a filling station. This one is the one on Lee Highway in Centreville across, more or less, from the – or near the Historic District. It has staff's favorable recommendation and, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 93-Y-059-02, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 2, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT. AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEE HIGHWAY IN FAVOR OF THE EXISTING TRAVEL AISLE WITH A PUBLIC ACCESS EASEMENT AND APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE IN FAVOR OF THE LANDSCAPING SHOWN ON THE SE PLAT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

SEA 92-Y-016 – MACS RETAIL, LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 92-Y-016, previously approved for a service station, quick service food store, and car wash, to permit modification of development conditions. Located at 2990 Centreville Rd., Herndon, 20171, on approx. 1.14 ac. of land zoned C-8. Tax Map 24-4 ((1)) 5A. SULLY DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated September 23, 2016.

There were no disclosures by Commission members.

In the absence of Commissioner Keys-Gamarra, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Mr. Prakash, would you again confirm for the record that you have read and you understand and agree with the development conditions dated November 2, 2016?

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: We have read the report and agree with the development conditions.

Commissioner Hart: Thank you. Again, Mr. Chairman, this is a straightforward updating of development conditions for a filling station. It has staff's favorable recommendation. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 92-Y-016, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 2, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

SEA 92-Y-030-02 – CRS OIL, INC. T/A CENTREVILLE SHELL
– Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 92-Y-030 previously approved for a service station, quick-service food store and car wash to permit modification of development conditions. Located at 5501 Union Mill Rd., Centreville, 20121, on

approx. 1.44 ac. of land zoned C-8 and WS. Tax Map 55-3 ((3))
39. SULLY DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated October 11, 2016.

There were no disclosures by Commission members.

In the absence of Commissioner Keys-Gamarra, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Mr. Prakash, would you confirm once again that you have read and understand that – and that you agree with the development conditions dated November 2, 2016.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: We have read the report and do concur with the proposed development conditions. And one last word, I do thank staff's support and your kind consideration this evening. Thank you.

Commissioner Hart: Thank you. Mr. Chairman, this is, again, an updating of development conditions for a filling station. We've done a couple of these. It has staff's favorable recommendation. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 92-Y-030-02, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 2, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT, AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS FOR THE SITE IN FAVOR OF THE LANDSCAPING SHOWN ON THE SE PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of the motion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.

(End Verbatim Transcript)

//

SEA 82-L-062-02 – 6620 BACKLICK ROAD, LLC – Appl. under Sects. 4-504, 7-607, 9-505, 9-610 and 9-622 of the Zoning Ordinance to amend SE 82-L-062, previously approved for a service station and waiver of the minimum lot size requirements in a Highway Corridor Overlay District, to permit site modifications in a Commercial Revitalization District with associated modifications to the development conditions. Located at 6620 Backlick Rd., Springfield, 22150, on approx. 28,771 sq. ft. of land zoned C-5, CRD, SC, and HC. Tax Map 90-2 ((2)) 231 and 232. LEE DISTRICT. PUBLIC HEARING.

Mark. M. Viani, Applicant's Agent, Bean, Kinney & Korman, PC, reaffirmed the affidavit dated August 22, 2016.

There were no disclosures by Commission members.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of SEA 82-L-062-02.

Commissioner Migliaccio said that a revised set of development conditions, which were dated November 16, 2016, had been distributed to the Commission prior to the public hearing. He then indicated that he intended to move for approval of the subject application at the conclusion of the public hearing and asked staff to provide additional information on the modifications articulated in this revised set. Ms. Posusney explained the following:

- The revised set included the insertion of Development Condition Number 8, which required that lighting located within the right-of-way consist of full cut-off fixtures, as required by Article 14 of the Zoning Ordinance and subject to the approval of the Virginia Department of Transportation;
- The provisions of Development Condition Number 8 had been added at the request of the Lee District Land Use Committee to ensure that the lighting installed on-site utilized full cut-off fixtures;
- The revised set included the insertion of Development Condition Number 10, which prohibited the installation of temporary signage, such as "popsicle" signs;

- The revised set included the insertion of Development Condition Number 17, which required the applicant to conduct soil tests to determine whether pervious pavement could be utilized in lieu of filterra devices to comply with the redevelopment criteria for stormwater management; and
- The provisions of Development Condition Number 17 intended to provide the applicant with additional flexibility at the time of site plan review to comply with the stormwater management standards prescribed by the County.

(A copy of the revised set is in the date file.)

Commissioner Hart pointed out that the word “filterra” in Development Condition Number 17 was misspelled twice. Ms. Posusney indicated that this would be corrected prior to the Board of Supervisors’ public hearing for the subject application.

Mr. Viani commended staff and the Lee District Land Use Committee for coordinating with the applicant on the proposal. He then gave a presentation wherein he explained the following:

- The site was subject to significant constraints due to its location and size;
- The existing service station on the site had been in operation since 1966;
- The subject application would permit modifications on the site that would transfer various operations of the service station into newly constructed service bays;
- The proposed modifications would also permit aesthetic improvements to the existing structure on the site, which would subsequently improve the visual impact on the surrounding area;
- The proposal included the installation of landscaping improvements and open space areas; and
- The subject application was supported by the surrounding community and the Lee District Land Use Committee.

Commissioner Ulfelder pointed out that issues had arisen at other similar sites throughout the County involving previously-approved landscaping provisions, noting that some sites did not adequately maintain these provisions. He then encouraged the applicant conduct regular maintenance on the proposed landscaping commitments. Mr. Viani indicated that the applicant would comply with and adequately maintain the landscaping commitments articulated in the subject application. He added that the applicant had also committed to maintaining a small park facility located near the site. Commissioner Migliaccio acknowledged this commitment, confirming that the applicant did maintain this neighboring park facility.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions

from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Public hearing is closed. Recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Mr. Viani, can you please just confirm that you agree with the development conditions now dated November 16th?

Mark Viani, Applicant's Agent, Bean, Kinney & Korman, PC: We do.

Commissioner Migliaccio: Thank you. This is a fairly simple and straightforward application. The application allows an existing service station to – in the Springfield CRD – to modify its site – site layout and improve the exterior of the station. As staff noted, it removes an outdoor lift and adds three indoor service bays for a total of six. It has the support of the Lee District Land Use Committee and also our professional planning staff. And, therefore, Mr. Chairman, I have two motions to make this evening. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 82-L-062-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 16TH, 2016.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 82-L-062-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. Finally, I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE HANDOUT DATED NOVEMBER 16, 2016, THAT WAS PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.

(End Verbatim Transcript)

//

ZONING ORDINANCE AMENDMENT – ARTICLES 3, 9, 18
AND 20 REGARDING FARM WINERIES, LIMITED
BREWERIES, AND LIMITED DISTILLERIES – To amend
Chapter 112 (the Zoning Ordinance) of the 1976 Code of the
County of Fairfax, as follows:

- 1) Modify the definition of Agriculture to clarify the activities permitted and precluded under such use; establish new definitions for Farm Winery, Limited Brewery, and Limited Distillery (“farm winery/brewery/distillery”) consistent with such uses as set forth in the Code of Virginia; establish a 20 acre minimum lot size for operation of a farm winery/brewery/distillery in the R-A, R-C, R-P, R-E and R-1 Districts (NOTE: advertised to permit the Board to consider any acreage from 5-50 acres); allow for establishment of more than one farm winery/brewery/distillery on one farm; allow a lot in the R-A, R-P, R-E and R-1 Districts of 5 or more acres to operate a farm winery/brewery/ distillery only if such lot was subject to a pending application for licensing by the ABC Board as of the date of adoption of this amendment; and limit attendees at public or private events/activities in new or expanded buildings or structures to 300 people per event/activity, and allow twelve events/activities per year of not more than 2 days for more than 300 people; and establish that persons visiting farm winery/brewery/distillery for tasting/promotion/purchase of agricultural products are not included in maximum number of persons attending public or private event/activity. (NOTE: advertised to permit the Board to consider any number of people from 150-500, any number of events/activities from 12-24 per year and any duration from 2-8 days per event/activity.)
- 2) Prohibit the establishment of a new farm winery/brewery/distillery on land zoned R-C, with the exception of those facilities with a pending application for licensure by the Virginia Alcoholic Beverage Control Board (ABC Board) as of July 1, 2016, and such license is ultimately granted.
- 3) In the R-C District, special exception approval shall not be required for buildings, structures and the uses thereof existing as of

July 1, 2016. However, the amendment will: (a) establish a requirement for special exception approval for any new or expanded buildings, structures or the uses thereof and for any structural alteration of any existing building or structure for any existing farm winery/brewery/distillery as of July 1, 2016; (b) establish a requirement special exception approval for any new buildings, structures and uses for a farm winery/brewery/distillery for which an ABC Board license was pending as of July 1, 2016 and such license is ultimately granted; (c) require any such new or expanded building, structure or truck loading/unloading area to maintain a minimum distance from property lines of 50 feet and a minimum of 100 feet from principal structures on adjacent properties; and (d) require, among other things, the submission of plans certified by a structural engineer for any new or expanded building that allow for access by the public and will require such structural engineer to certify the structural integrity of the building, upon construction. (NOTE: see advertised flexibility in these limits noted in Par. 1 above)

4) In the R-C, R-A, R-P, R-E and R-1 Districts, special exception approval shall be required for the hosting of public or private events/activities, not related to the tasting, sale or production of the licensed alcoholic beverages, in excess of the limitations set forth in the definitions of farm winery/brewery/distillery, except as may otherwise be permitted due to the existing use as of July 1, 2016. The Board may impose conditions on any such special exception, to include land area for the event/activity, adequacy of water/sanitation, number of attendees, days/hours of event/activity, lighting, noise, parking or other criteria and no event/activity shall include helicopter rides, fireworks display, antique/flea markets, go-cart/all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, lodging, spa services, the operation of a commercial restaurant requiring approval by the Health Department and/or any other use determined by the Zoning Administrator to have a substantial impact on the health, safety and welfare of the public, except that such conditions will not constrain uses already in existence as of July 1, 2016 and music accompaniment/entertainment accessory to farm winery/brewery/distillery sales and tastings as part of the regular course of business shall not be deemed to be a public or private event/activity. Any such special exception may be approved only when it is determined that the resulting uses, buildings and/or structures will be in harmony with the policies of the comprehensive plan and where the resultant operation will not have a deleterious effect on existing or planned development of adjacent properties or area

roadways; must be accompanied by a copy of the valid farm winery/brewery/distillery ABC Board license or application for licensure; and operation/construction shall be subject to standards/requirements/statutes/ordinances/rules/ regulations of all applicable local, State or Federal agencies governing agriculture, agritourism, and the specific farm winery/brewery/distillery uses.

5) Pursuant to authority granted by *Virginia Code* Section 15.2-2286(A)(6) the amendment proposes to establish the filing fees for different types of special exceptions for farm winery, limited brewery, or limited distillery buildings, structures and/or uses thereof depending on the extent of the expansion, construction, use and/or events and activities. The fee structure shall be advertised to allow the Board to consider a range of fees from \$1,000 to \$16,375 that may apply to such special exceptions, depending on the type.

COUNTYWIDE. PUBLIC HEARING.

Donna Pesto, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed Zoning Ordinance Amendment.

Commissioner Hart announced his intent to defer the decision only on the proposed amendment at the conclusion of the public hearing to provide additional time for Commissioners to review comments submitted by the public.

Commissioner Hart explained the following:

- The scope of proposed amendment was limited to modifying the provisions articulated in the Zoning Ordinance regarding the operation and management of farm wineries, limited breweries, and limited distilleries;
- The provisions and guidelines for mitigating the impact of specific facilities would be evaluated on a case-by-case basis;
- The proposed amendment did not include site-specific provisions for existing facilities within the County;
- The proposed amendment did not include additional regulations on existing facilities including such regulations in the amendment was prohibited by the Virginia General Assembly;
- The Fairfax County Work Program included a pending zoning ordinance amendment with a broader scope that addressed issues pertaining to agricultural uses throughout the

County, such as the definitions for various agricultural uses and the various zoning types that permitted such uses; and

- The Zoning Ordinance provisions for farm wineries, limited breweries, and limited distilleries could be affected by future Zoning Ordinance Amendments pertaining to agricultural uses within the County.

Commissioner Hart asked for additional information regarding the pending Zoning Ordinance Amendment that would modify provisions for agricultural uses throughout the County. Ms. Pesto stated that this upcoming amendment would be broader in scope compared to the proposed amendment and was intended to address recent trends in agricultural uses, noting that certain uses, such as freight farms and urban gardens, were not sufficiently addressed by the Zoning Ordinance. In addition, she said that this pending zoning ordinance amendment would update the language and definitions regarding agricultural uses to ensure that such provisions were reflective of these trends. A discussion ensued between Commissioner Hart and Ms. Pesto regarding the scope of this pending zoning ordinance amendment, the impact of recent Virginia General Assembly legislation on agricultural uses, and the reason for separating the proposed Amendment from this other pending Amendment wherein Ms. Pesto stated that the proposed Amendment was submitted prior to the broader Amendment pertaining to agricultural uses to address the impact of the General Assembly's revised legislation that required farm wineries, limited breweries, and limited distilleries to obtain a special exception to permit expansions or the installation of additional buildings on a site.

Commissioner Hart said that the Comprehensive Plan and Zoning Ordinance contained criteria for evaluating non-residential uses, such as ensuring that the use was compatible with the character of the surrounding area, would minimize the impact on the Occoquan watershed, and was located in close proximity to an arterial road. He then indicated that the Board of Supervisors had utilized these criteria in evaluating such uses and asked whether such criteria would be retained when evaluating special exception applications for farm wineries, limited breweries, and limited distilleries. Ms. Pesto confirmed that such criteria would be retained and applications for these uses would be evaluated in the context of these criteria.

Commissioner Hart pointed out that most non-residential uses in R-C Districts within the County, such as churches, schools, and institutional uses, were located in close proximity to arterial roads. He added that these uses were consistent with the standards of the Comprehensive Plan and these standards discouraged such uses from being located along non-arterial roads.

In response to questions from Commissioner Hart, Ms. Pesto stated the following:

- The County, under the existing legislation prescribed by the Virginia General Assembly, was prohibited from adopting provisions that would regulate the amount of patrons visiting a farm winery for the purposes of tasting;

- The proposed amendment's range for limiting the attendance of an event to 300 individuals at a farm winery, limited brewery, or limited distillery was determined after consultation with two existing wineries within the County and this limit was reflective of the current operational policies of these wineries;
- The proposed amendment included language limiting farm wineries, limited breweries, or limited distilleries to conducting no more than 12 events per year, but the language provided operators of these facilities sufficient flexibility in scheduling these events;
- The provisions for attendance limits at farm wineries, limited breweries, or limited distilleries would apply equally to R-E, R-1, and R-C Districts, even if the Board of Supervisors adopted a limit lower than the 300 prescribed in the proposed Amendment; and
- The owners for farm wineries, limited breweries, or limited distilleries seeking to conduct events greater than the attendance limit prescribed by the Zoning Ordinance would be required to obtain a special exception to permit such events.

Commissioner Hart said that numerous comments had been submitted by the public prior to the public hearing expressing concerns regarding the traffic impact of non-residential uses, such as farm wineries. However, he noted that traffic mitigation provisions were not required for such uses in an R-C District. Ms. Pesto concurred with this statement, but noted that traffic mitigation measures were often required for non-residential uses that required a special permit or a special exception. When Commissioner Hart asked whether this procedure was sufficient, Ms. Pesto stated that staff had concluded that this procedure was sufficient and issues such as traffic impact would be evaluated on a case-by-case basis within the context of a special exception or special permit application.

When Commissioner Hart asked for additional information regarding the enforcement of parking provisions for non-residential uses, Ms. Pesto indicated that there were existing policies that permitted the ticketing and towing of vehicles determined to be illegally parked.

When Commissioner Hart asked whether the County was permitted to prescribe additional regulations on existing farm wineries, Ms. Pesto stated that the implementing such regulations was prohibited by the Virginia General Assembly.

Answering questions from Commissioner Sargeant, Ms. Pesto explained the following:

- The proposed amendment would permit more than one use pertaining to farm wineries, limited breweries, and limited distilleries within a 20-acre site;
- The proposed amendment would permit simultaneous events with a maximum attendance of 300 on a 20-acre site that utilized more than one use pertaining to farm wineries, limited breweries, and limited distilleries;

- The County defined what constituted an event at a farm wineries, limited breweries, or limited distilleries in the County Code and this definition included affairs such as weddings and corporate events;
- The County utilized different definitions for events and promotional activities;
- The proposed Amendment and the County Code did not place attendance restrictions for promotional activities on farm wineries, limited breweries, or limited distilleries;
- The presence of simultaneous events and promotional activities created the potential for generating large crowds at farm wineries, limited breweries, or limited distilleries, but these facilities utilized policies to minimize the impact of such crowds on the surrounding community;
- The ability for the County to regulate events or promotional activities at farm wineries, limited breweries, or limited distilleries was limited to the provisions permitted by the State of Virginia for such facilities;
- The proposed amendment permitted the operation of more than one farm winery, limited brewery, or limited distillery on a 20-acre site, but the facilities and structures required for such operations was determined by the Virginia Department of Alcoholic Beverage Control (ABC);
- The need for permanent structures on a site for a farm winery, limited brewery, or limited distillery was determined by ABC on a case-by-case basis and the features on such sites varied from facility to facility;
- The County acknowledged that certain portable structures could be utilized for a farm winery, limited brewery, or limited distillery, but the ABC's policies included provisions requiring indoor production facilities that were not portable;
- The usage of portable structures at a farm winery, limited brewery, or limited distillery was subject to the standards prescribed by ABC and staff would submit additional information on such standards to the Commission during the deferral period; and
- The operation of more than one farm winery, limited brewery, or limited distillery on a 20-acre site would be required to provide additional parking provisions to accommodate the activities on the site and such accommodations would be evaluated during the review of a special exception application.

Commissioner Sargeant requested that staff provide additional information on the County's standards for what constituted an event during the deferral period. Ms. Pesto did not object to this request.

Commissioner Sargeant suggested that additional provisions be evaluated for improving the safety of the roads that accessed sites that utilized a farm winery, limited brewery, or limited distillery because some of these roads were of a rural character and were not designed to manage significant traffic. Ms. Pesto indicated that such issues would be evaluated during the review of a special exception application for such a site, but noted that addressing these issues was beyond the scope of the proposed amendment.

Commissioner Ulfelder pointed out that there were no existing R-C Districts in the Dranesville District, but noted the presence of numerous R-E, R-1, and R-A Districts. He then stated that a property owner, or group of owners for a specific property, in one such district whose property exceeded 20 acres could install and operate farm winery, limited brewery, or limited distillery on the property by-right without obtaining a special exception, provided that the owner or owners complied with the provisions articulated in the proposed amendment. Ms. Pesto concurred with this statement. She added that the primary modification for permitting such uses in the proposed amendment was the increase in acreage requirements for these uses, stating that the 20-acre minimum was an increase of the existing 5-acre minimum. When Commissioner Ulfelder asked for additional information regarding the minimum acreage for Agricultural and Forestal Districts, Ms. Pesto said that the minimum acreage for permitting such a district was 20 acres, adding staff had determined the 20-acre limit prescribed in the proposed amendment based on this provision for such districts.

Commissioner Ulfelder stated that the Dranesville District currently contained 11 Agricultural and Forestal Districts of approximately 400 acres and 1 State District of approximately 470 acres. He then indicated that each of these districts could implement a farm winery, limited brewery, or limited distillery under the provisions of the proposed amendment by-right and a special exception would not be required if the property owners complied with these provisions. Ms. Pesto concurred with this statement. When Commissioner Ulfelder asked for additional information on how the County would be informed about such uses in the absence of a special exception application, Ms. Pesto indicated that the County would be informed of these uses by ABC at the time the property owners of these sites submitted applications for licenses. She added that uses such as farm wineries, limited breweries, or limited distilleries were identified as agritourism uses under the *Code of Virginia*.

Commissioner Ulfelder asked whether a property owner for an existing Agricultural and Forestal District was permitted to install farm winery, limited brewery, or limited distillery on their site while still complying with the requirements for such districts. Leslie Johnson, ZAD, DPZ, indicated that such uses could be implemented on an Agricultural and Forestal District, adding that this district was classified as a tax district and not a zoning district. Commissioner Ulfelder then asked whether an existing farm winery, limited brewery, or limited distillery could submit an application to identify the site as an Agricultural and Forestal District while citing the use as a criterion for meeting the requirements for such a district. Ms. Johnson indicated that a property owner could cite such a use in seeking classification as an Agricultural and Forestal District because the operation of a farm winery, limited brewery, or limited distillery was identified as an agricultural use. A discussion ensued between Commissioner Ulfelder and Ms. Johnson, with input from Commissioner Hart, regarding the tax impact for a farm winery, limited brewery, or

limited distillery that was located on an Agricultural and Forestal District wherein Ms. Johnson wherein Commissioner Hart pointed out that the existing winery at Bull Run had become an Agricultural and Forestal District after the winery had begun operation.

Commissioner Ulfelder acknowledged the challenges associated with enforcing the parking provisions for a farm winery, limited brewery, or limited distillery located within a rural community, noting that the roads in such communities often lacked the signage for enforcing such provisions. He then asked for additional information on the provisions regarding parking signage and how a police officer would determine whether the issuance of a ticket was warranted. Ms. Pesto concurred with Commissioner Ulfelder's statement that certain rural roads lacked the signage for enforcing parking provisions, citing Yates Ford Road near an existing winery in Clifton as a road with limited signage. However, she noted that there were additional provisions prohibiting parking in certain areas, such as driveways, that did not require signage to warrant a ticket. In addition, Ms. Pesto stated that the community around Yates Ford Road had coordinated to implement appropriate signage to discourage parking along this road. A discussion ensued between Commissioner Ulfelder and Ms. Pesto regarding the effectiveness of these parking provisions and the associated signage for rural roads such as Yates Ford Road.

Commissioner Ulfelder asked whether a site utilizing a farm winery was required to grow grapes on the site to qualify as an agritourist activity. Ms. Pesto indicated that the growing of grapes on-site was necessary to meet this requirement. A discussion ensued between Commissioner Ulfelder and Ms. Pesto, with input from Ms. Johnson, regarding the amount of acreage that a site utilizing a farm winery was required to reserve for the growing of grapes, the requirements for production and bottling on such a site, the limits on the overall operation of such a facility, and the impact of legislation by the Virginia General Assembly on R-C Districts compared to other similar districts wherein Ms. Pesto stated that the ABC prescribed guidelines for the production and bottling operations of a farm winery and Ms. Johnson indicated that the guidelines for farm wineries were articulated in the Virginia General Assembly's legislation for R-C Districts, as referenced in Appendix 3 of the staff report.

When Commissioner Sargeant asked whether the attendance at a farm winery, limited brewery, or limited distillery for an event or promotional activity affected the standards prescribed by the Fire Marshal, Ms. Pesto indicated that there were no such standards for these uses because they were classified as agricultural uses. Ms. Johnson added that such uses were not subject to the standards prescribed by the Building Code. A discussion ensued between Commissioner Sargeant and Ms. Pesto, with input from Ms. Johnson, regarding other commercial activities on a site that differentiated between the attendance of an event and the attendance of a promotional activity wherein Ms. Pesto stated that staff would coordinate with the Fire Marshal to obtain additional information on this issue during the deferral period and Ms. Johnson pointed out that there were other mechanisms besides the Zoning Ordinance for ensuring sufficient safety provisions at a farm winery, limited brewery, or limited distillery.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Kirk Wiles, 13219 Yates Ford Road, Clifton, representing the Paradise Springs Winery, voiced support for the proposed amendment. He stated that he was the owner of Paradise Springs Winery. He then described this property and its history of agricultural uses, noting the historically significant features of this property. Mr. Wiles stated that a farm winery had been operating on this site since 2009 and noted the challenges associated with operating a farm winery, adding that the operation of this winery emphasized the production of wine and did not rely heavily on large events or gatherings. In addition, he described the positive economic impact on the surrounding community, the industry accolades, and the tax revenue generated by the operation of Paradise Springs Winery. Mr. Wiles described the charitable activities in which the Paradise Springs Winery had participated. He also cited a letter from Barry Biggars, President and CEO of Visit Fairfax, that identified the positive impacts of the Paradise Springs Winery and wineries as a whole generated for the County. Mr. Wiles commended staff for coordinating with the winery industry on the proposed amendment. He also acknowledged the concerns raised by the community regarding the operation of the Paradise Springs Winery, such as the traffic generated by the winery. However, he indicated that the community had not adequately coordinated with the winery to address their concerns. Mr. Wiles also pointed out that there were no official police reports attributing an incident to the operation of the Paradise Springs Winery. In addition, he said that this winery was in compliance with the appropriate guidelines and standards prescribed by the County and the State of Virginia. Mr. Wiles pointed out that the Paradise Springs Winery contained approximately 400 parking spaces, which was sufficient to accommodate the traffic for this facility. He then indicated that incidents involving traffic congestion along Yates Ford Road cited by residents had been generated by activities at the nearby Hemlock Park facility or commuter traffic and was not related to the operation of the Paradise Springs Winery. He added that Yates Ford Road was a state road and issues regarding its use fell under the purview of the Virginia Department of Transportation (VDOT). In addition, Mr. Wiles stated that the Paradise Springs Winery had obtained the necessary licenses for operating a winery on this site, but noted that this winery had two pending licenses with ABC and approval of these licenses would not increase the amount of traffic generated by the winery. (A copy of Mr. Wiles statement and Mr. Biggar's letter is in the date file.)

When Commissioner Hart asked whether the 300-person attendance limit prescribed by the proposed amendment would impact the operation of the Paradise Springs Winery, Mr. Wiles indicated that he supported this limit and stated that this limit would not significantly impact this winery. In addition, he said that the current operation of this winery could adequately accommodate an event of this size. A discussion ensued between Commissioner Hart and Mr. Wiles regarding the appropriate attendance limit for events at a winery such as the Paradise Springs Winery, the range at which such a limit negatively impacts the operation of such a facility, and the nature of the events conducted at the Paradise Springs Winery wherein Commissioner Hart suggested that Mr. Miles provide additional information about these events to the Commission during the deferral period.

When Commissioner Hart asked for additional information regarding pending applications for additional licenses from ABC that had been submitted by the Paradise Springs Winery, Mr. Wiles indicated that there were two pending applications for licenses. A discussion ensued between Commissioner Hart and Mr. Wiles regarding the timeline for approving these applications and

the purpose for obtaining these licenses wherein Mr. Wiles indicated that these licenses would permit the production of additional products at the Paradise Springs Winery.

Hal Moore, 12840 Dunvegan Drive, Clifton, representing Concerned Clifton Residents, voiced opposition to the proposed amendment because it did not contain sufficient provisions to mitigate the impact of events at farm wineries, limited breweries, or limited distilleries on surrounding communities. He then indicated that he had submitted revisions to the proposed amendment to the Commission prior to the public hearing. Mr. Moore described the size of events held at these facilities and cited an event that occurred near the Paradise Springs Winery that coincided with significant traffic congestion on Yates Ford Road, adding that photographs documenting this congestion had been included in his statement. Mr. Moore also addressed the remarks from Mr. Wiles regarding the source of this traffic, stating that he met with representatives from Hemlock Park and had subsequently determined that park facility had not been the primary source of the traffic. In addition, he described the existing parking provisions for the Paradise Springs Winery and the Bull Run Winery, noting that while these provisions were sufficient for the regular operation of these wineries, they were inadequate for accommodating large events. Mr. Moore stated that rural roads, such as Yates Ford Road, could not accommodate the traffic generated by the regular operations and events at wineries such as Paradise Springs Winery. He added that the average traffic generated by the Paradise Springs Winery exceeded the recommended capacity of Yates Ford Road, as determined by VDOT. In addition, Mr. Moore indicated that the parking provisions for Hemlock Park, which was located near the Paradise Springs Winery, were limited and these provisions frequently accommodated overflow parking from this winery. He described the differences in the operation between Paradise Springs Winery and the Bull Run Winery, pointing out that the Bull Run Winery was located along an arterial road. He then said that he favored scaling the operation of a farm winery, limited brewery, or limited distillery to match the capacity of the available roads and parking provisions. Mr. Moore stated that he did not object to permitting farm wineries, limited breweries, or limited distilleries, but supported additional provisions that would mitigate the impact of such uses on surrounding communities. He also described the traffic generated by the Paradise Springs Winery and the limited parking availability for this site, noting that parking prohibitions were not sufficiently enforced. Mr. Moore also expressed concern that permitting additional licenses for operations such as the Paradise Springs Winery would increase size of events conducted at this site. He then suggested that the limits on attendance for events at such facilities be scaled to the parking provisions available at the site or reducing the maximum attendance permitted for such an event to mitigate the impact on the surrounding community. In addition, Mr. Moore said he favored utilizing a parking monitor at the Paradise Springs Winery to improve the enforcement of parking provisions around the site while discouraging illegal parking throughout the area. He also expressed concern regarding the amount tree-clearing that had occurred at the Paradise Springs Winery and the extent to which the owner of this winery had complied with the provisions of the existing Agricultural and Forestal District for the site. Mr. Moore added that the owner of the Paradise Springs Winery had not adequately coordinated with the surrounding community to address their concerns. (A copy of Mr. Moore's statement and his proposed revisions is in the date file.)

Commissioner Hart pointed out that concerns regarding the efficacy of the parking provisions at the Paradise Springs Winery were beyond the scope of the proposed amendment and the Virginia General Assembly prohibited the County from prescribing additional regulations on existing farm wineries, limited breweries, or limited distilleries. However, he explained that such issues could be addressed by the County for future facilities upon approval by the ABC and in the event that the owner of the existing facilities pursued a special exception application. In addition, Commissioner Hart noted the difficulty of utilizing R-C Districts due to the presence of undisturbed open space. He also reiterated that the County could not prescribe attendance limits for activities at farm wineries, limited breweries, or limited distilleries such as tasting because these activities were not defined as events, adding that the operators of these facilities retained the right to install appropriate parking provisions for such operations.

Commissioner Hart stated that the two existing farm wineries in the County were located within the Occoquan Watershed and noted the importance of protecting this area, citing the presence of certain environmental features that contributed to the protection of water quality in the area.

Jon Hickox, 15950 Lee Highway, Centreville, representing the Winery at Bull Run, voiced support for the proposed amendment. He stated that he was the owner of the Winery at Bull Run and described the history of this winery, noting that this winery was located in an R-C District and had been in operation since 2010. Mr. Hickox also described the previous requirements for operating a winery, as prescribed by the State of Virginia, which permitted the use of a winery on land that was zoned for agricultural use. However, he noted that subsequent legislation by the Virginia General Assembly prohibited the installation of farm wineries, limited breweries, or limited distilleries on R-C Districts, adding that the Board of Supervisors had submitted a letter to the governor of Virginia opposing this legislation. Mr. Hickox stated that the R-C District was consistent with the County's standards for agricultural use and indicated that he did not support the determination by the Virginia General Assembly that such districts did not meet the criteria for agricultural use. He also pointed out that the Virginia General Assembly's recognized the right of an existing farm winery, limited brewery, or limited distillery operating on an R-C District prior to the passage of this legislation and stated this right applied to the Winery at Bull Run. Mr. Hickox acknowledged the concerns raised by citizens residing near other farm wineries, primarily those near Paradise Springs Winery, but stated that addressing these concerns was under the purview of VDOT and ABC. He also echoed remarks from Commissioner Hart regarding the scope of the proposed amendment, noting that it applied to the entire County and could not include provisions specific to a specific site. In addition, Mr. Hickox described the positive economic and environmental impact of farm wineries for the County.

Commissioner Hart asked for additional information regarding the events conducted at the Winery at Bull Run and asked whether lowering the 300-person attendance limit for such events prescribed by the proposed amendment would negatively impact the operation of this winery. Mr. Hickox explained that an event with an attendance of 300 people was equivalent to a large wedding event and such events were conducted at wineries as a mechanism for improving the economic viability of these wineries. A discussion ensued between Commissioner Hart and Mr. Hickox regarding the frequency of large wedding events with an attendance of 300 people that were held at the Winery at Bull Run wherein Mr. Hickox indicated that lowering the maximum

attendance permitted at such events would negatively impact the economic viability of wineries such as the Winery at Bull Run.

Mr. Hickox addressed concerns from Commissioner Ulfelder regarding the installation of temporary structures at farm wineries, limited breweries, or limited distilleries, explaining that ABC required the use of fixed structures for the operation of such facilities, such as secure storage facilities. A discussion ensued between Commissioner Ulfelder and Mr. Hickox regarding the minimum size of a facility for complying with ABC requirements and the method for determining the size of these facilities wherein Mr. Hickox indicated that such criteria were determined by ABC.

Kathryn Weller, 13012 Yates Ford Road, Clifton, representing the Noble Estates Homes Association, voiced concern regarding the impact of farm wineries, limited breweries, or limited distilleries on surrounding communities. She described the character of her community and noted the impact of the Paradise Springs Winery had incurred on this community. Ms. Weller then echoed remarks from previous speakers regarding the traffic impact that Paradise Springs Winery had incurred on Yates Ford Road, adding that a list of traffic incidents on this road had been included in her statement. She said she favored modifying the proposed amendment to include additional standards for roads accessing these facilities to ensure that the traffic impact on the surrounding community was minimized. In addition, Ms. Weller stated that she supported provisions to limit the size of such facilities and provide stringent guidelines for expanding these facilities. She also expressed support for utilizing the special exception process to permit the expansion of these facilities, stating that such a process would provide additional opportunities for the public to have input on such an expansion. Ms. Weller also suggested incorporating additional provisions into the proposed amendment to promote the monitoring of the impact of farm wineries, limited breweries, or limited distilleries, adding that such monitoring would provide additional information to the County and property owners in determining appropriate mitigation measures. She also recommended that provisions for monitoring these facilities be funded by fees charged to property owners seeking to expand their facilities. (A copy of Ms. Weller's statement is in the date file.)

Joe Scott, 12501 Yates Ford Rd, Clifton, representing Clifton Coalition (CC), stated that while he did not oppose the operation of farm wineries, limited breweries, or limited distilleries in communities like Clifton, he did not support permitting the expansion of such facilities. He described the history of the CC, stating that this organization had coordinated with staff from the County and the State of Virginia to revise the policies pertaining to these facilities. Mr. Scott echoed remarks from previous speakers regarding the impacts of Paradise Springs Winery on the Clifton community, adding that a petition from the community reflecting the concerns regarding these impacts had been included in his statement. In addition, he said that he favored utilizing the special exception process to approve an expansion of an existing farm winery, limited brewery, or limited distillery because this process provided a mechanism for ensuring that such expansion was appropriate and warranted. Mr. Scott also echoed remarks from previous speakers regarding the condition of Yates Ford Road and the impact that the Paradise Springs Winery regularly incurred on this road, stating that he supported additional provisions to mitigate this impact. He then expressed concern regarding the proposed Amendment's definition of a farm, as articulated

on page 6 of the staff report, because such a definition would permit unfeasible and inappropriate expansion for farm wineries, limited breweries, or limited distilleries. (A copy of Mr. Scott's statement is in the date file.)

James Lewis, 1911 Buckthorn Lane, Reston, representing the Bull Run Civil War Round Table, voiced support for preserving the existing operation of the Winery at Bull Run. He described his organization's previous partnerships with the Winery at Bull Run, stating that this winery had been utilized for multiple meetings and events. He also pointed out the historically significant features of this site and commended the property owner of the Winery at Bull Run for their efforts to preserve these features. In addition, Mr. Lewis noted the frequency with which events, such as weddings, were conducted at this site. He also commended Mr. Hickox for his management of the Winery at Bull Run.

Greg Mathieson, 6601 Ashmere Lane, Centreville, spoke in support of preserving the existing operation of the Winery at Bull Run. He echoed remarks from Mr. Lewis regarding the operation, management, and historically significant features of this winery, adding that the winery incurred a positive economic impact on the surrounding area and contributed to the preservation of the character of the neighboring communities. In addition, Mr. Mathieson said he favored the continued operation of this winery, noting that the Comprehensive Plan permitted a residential development on this site. He also noted that the access provisions and parking provisions for the Winery at Bull Run were sufficient. Mr. Mathieson then said that he supported permitting additional events at this site.

Jonathan Hurley, 14303 Grape Holly Grove, Unit 24, Centreville, voiced support for the proposed amendment. He also indicated that he favored the continued operation of the Winery at Bull Run and the Paradise Springs Winery. He described the numerous events he had attended at these wineries. Mr. Hurley then echoed remarks from previous speakers regarding the positive economic impact that these wineries generated for the County and the surrounding community.

Lawrence Hensle, 8301 Crestridge Road, Fairfax Station, representing the Occoquan Watershed Coalition (OWC), expressed concern that the procedures articulated in the proposed amendment for approving an expansion of an existing farm winery, limited brewery, or limited distillery were insufficient. He commended Mr. Wiles and Mr. Hickox for their testimony, adding that Mr. Wiles had coordinated with OWC to address their concerns. He then requested clarification regarding the mechanism for determining whether an activity at a facility like Paradise Springs constituted an event or a promotional activity, adding that he favored additional provisions for the management of such activities. Mr. Hensle also suggested that additional language be incorporated into the proposed amendment that would consider the recommendations prescribed by ABC as a criterion for permitting the expansion of an existing facility. He then requested additional information on the circumstances in which the expansion of a farm winery, limited brewery, or limited distillery required the approval of a special exception application.

Addressing Mr. Hensle's concerns regarding the circumstances in which a special exception application was required to permit the expansion of an existing facility, Ms. Pesto explained that there were outstanding applications by existing farm wineries to expand the operation of these

facilities and both expansions would require approval of a special exception application. A discussion ensued between Ms. Pesto and Mr. Hensle regarding the extent of these expanded operations, the facilities that would be required for these operations, and the license requirements for such operations.

Drew Wiles, 7801 Kincheloe Road, Clifton, spoke in support of the proposed Amendment, adding that he favored policies that preserved the operation of existing farm wineries in the County. He echoed remarks from previous speakers regarding the challenges associated with operating a farm winery, the positive economic benefits of such wineries, and the benefits of developing a winery on existing agricultural land compared to utilizing such land for residential development. Mr. Wiles acknowledged the concerns from previous speakers regarding the impacts of the Paradise Springs Winery on Yates Ford Road and the surrounding community, but indicated that such impacts did not warrant prescribing additional provisions on this farm winery. In addition, he cited a letter submitted by a property owner adjacent to the Paradise Springs Winery that supported the continued operation of this winery, commended the property owners for preserving the character of the community, and addressed the concerns from previous speakers regarding the winery's traffic impact on Yates Ford Road. (A copy of Mr. Wiles' letter is in the date file.)

In reply to questions from Commissioner Ulfelder, Mr. Wiles stated that he operated a brewery in Loudoun County. He then indicated that the operation of a brewery required a greater amount of water compared to that of a farm winery. A discussion ensued between Commissioner Ulfelder and Mr. Wiles regarding the operation of a brewery, the water source utilized by breweries, and the impact of breweries on water sources that utilized wells wherein Mr. Wiles pointed out there were limits to the amount of beer a brewery on agricultural land could produce in a year and this limit was determined by the State of Virginia.

Kristina Baranowski, 12644 Chapel Road, Clifton, representing Cupcaked, LLC, voiced support for the continued operation of existing farm wineries, limited breweries, or limited distilleries in the County. She echoed remarks from previous speakers regarding the positive economic impact of farm wineries, describing the positive impact that the Paradise Springs Winery had generated for the Clifton community and her business. Ms. Baranowski also addressed concerns from previous speakers regarding the traffic impact of farm wineries such as Paradise Springs Winery, stating that the traffic congestion along Yates Ford Road was not generated by the operation of this winery. She also commended the property owners of the Paradise Springs Winery for their operation and management of this winery.

Neil Temple, 11300 Lilting Lane, Fairfax Station, expressed concern that the proposed amendment would create additional restrictions on existing farm wineries, such as the Paradise Springs Winery, that would negatively impact the operation of such facilities. He indicated that the policies prescribed by State of Virginia for the operation of wineries, limited breweries, or limited distilleries were intended to promote and facilitate such operations. Mr. Temple described the process for constructing these facilities in other jurisdictions throughout the State of Virginia. He then indicated that the provisions articulated in the proposed amendment would increase the cost of expanding the operations of existing facilities in a manner that was unwarranted and

burdensome to the owners of these facilities. Mr. Temple also echoed remarks from previous speakers regarding the property owners' operation of the Paradise Springs Winery and the positive economic impact that this winery incurred on the surrounding community, adding that this facility was consistent with the rural character of the community and did not generate the significant traffic impact that had been documented along Yates Ford Road.

Chairman Murphy called for speakers from the audience.

Cheryl Sharp, 7008 Redlac Drive, Clifton, echoed remarks from previous speakers regarding the impacts that farm wineries, limited breweries, or limited distilleries incurred on surrounding communities. She then indicated that she favored additional provisions that would mitigate such impacts on neighboring communities. In addition, Ms. Sharp expressed concern regarding the environmental impact of such facilities, citing the significant water consumption required for the operation of these facilities and noting incidents where wells that served residents had been exhausted. Ms. Sharp described the differences in impacts between the Paradise Springs Winery and the Winery at Bull Run, pointing out that the Paradise Springs Winery generated a significant impact on neighboring residents due to its location and insufficient parking provisions.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Pesto, who declined.

Commissioner Ulfelder suggested that staff address the concerns raised by Mr. Hensel regarding the criteria for what constituted an event and how such events would be organized on an annual basis. Ms. Pesto stated that this issue would be evaluated during the deferral period.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item.

(Start Verbatim Transcript)

//

Chairman Murphy: Public hearing is closed. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I have to say, candidly, I was very apprehensive about tonight – not just because we had seven cases scheduled and this too – but, I think, I was pleasantly surprised at the quality of the comments that we got and I think we have some issues still to think about and material to digest. I want to thank all the folks who came out tonight or submitted written comments and emails. And we still have some - some work to do on this. Mr. Chairman, on – I lost it here – ON THE PROPOSED ZONING ORDINANCE AMENDMENT FOR ARTICLES 3, 9, 18, AND 20 REGARDING FARM WINERIES, LIMITED BREWERIES, AND LIMITED DISTILLERIES, I MOVE THAT WE DEFER THE DECISION TO A DATE CERTAIN OF NOVEMBER THE 30TH, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

ZONING ORDINANCE AMENDMENT – ARTICLES 3, 9, 18 AND
20 REGARDING FARM WINERIES, LIMITED BREWERIES, AND
LIMITED DISTILLERIES

November 16, 2016

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the Zoning Ordinance Amendment to a date certain of November 30th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 9-0. Commissioners Flanagan, Keys-Gamarra, and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

//

The meeting was adjourned at 11:30 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: May 4, 2017



John W. Cooper, Clerk,
Fairfax County Planning Commission

